

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CONDRA SMITH,)
)
Plaintiff,)
)
v.) Civil No 1:20-CV-00474
)
UNITED STATES DEPARTMENT OF) (Formerly 02D09-2011-PL-000475
EDUCATION, et al,) Allen Superior Court)
)
Defendant.)

NOTICE OF REMOVAL

The United States of America, through its counsel, Thomas L Kirsch II, United States Attorney for the Northern District of Indiana, and Deborah M. Leonard Assistant United States Attorney, respectfully show this Court:

1. On November 12, 2020, Plaintiff Condra Smith filed a complaint against the United States Department of Education in the Allen Superior Court as Cause No. 02D09-2011-PL-000475 and it is now pending therein. Pursuant to 28 U.S.C. § 1446(a), a copy of the summons and complaint are attached as Exhibit 1 to this Notice of Removal.

2. Pursuant to 28 U.S.C. § 1442(a)(1), Defendant United States of America may remove this case to this Court because the case was filed against an agency of the United States.

3. Pursuant to 28 U.S.C. § 1446(b), Defendant United States of

America timely filed this Notice of Removal “within thirty days after the receipt by defendant . . . of a copy of the initial pleading setting forth the claim for relief. . . .”

4. Pursuant to 28 U.S.C. § 1446(d), this Notice “effect[s] the removal and the State court shall proceed no further unless and until the case is remanded.”

WHEREFORE, the action now pending in the Allen Superior/Circuit Court as Cause No. 02D09-2011-PL-000475 be removed to this Court, pursuant to Title 28, United States Code, Sections 1442 and 1446 and that the state court case be closed.

Respectfully submitted,

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020, the **NOTICE OF REMOVAL** was electronically filed with the Clerk of the Court using the CM/ECF system and a copy of the foregoing was served by United States Mail, postage prepaid to the following:

Condra L. Smith
3301 Lafayette St.
Fort Wayne, IN 46806

Pro-Se Plaintiff

s/ Teresa M. Dillner
Teresa M. Dillner
Legal Assistant, Civil Division

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